

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **HENRY RODRIGUEZ FERNANDEZ**CASE NO: **16-00660-BKT**

Debtor(s)

**Chapter 13**

- AMENDED -

**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***Total Agreed: **\$3,000.00**      Paid Pre-Petition: **\$132.00**      Outstanding (Through the Plan): **\$2,868.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor(s) Income is (are) ☐ Under ☒ Above Median IncomeLiquidation Value: **\$18,442.00**Commitment Period is ☐ 36 months ☒ 60 months §1325(b)(1)(B)      General Unsecured Pool: **\$0.00**With respect to the (amended) Plan date: Jan 29, 2016 (Dkt 2)      **Plan Base: \$18,000.00**The Trustee: ☐ DOES NOT OBJECT ☒ OBJECTS Plan Confirmation      Gen. Uns. Approx. Dist.: 100 (without legal interest) %

The Trustee objects to confirmation for the following reasons:

**[1325(a)(1)] Failure to comply with her/his/their duties.**[11 U.S.C.704(a)(4) and 1302(b)(1)]

Joint Debtor has failed to submit first pay stub pertaining to November and second pay stub of December.

**[1325(a)(6)] Feasibility – Debtor(s) does not has/have the capacity to make proposed plan payments.**

Debtor must submit evidence of maturity of spouse's car loan (Toyota). This information is necessary to confirm feasibility of increase in plan payments.

**[1325(a)(6)] Insufficiently Funded – Plan funding insufficient to comply with Creditors Best Interest Test.** [1325(a)(4)]

Plan fails to provide for the payment of 100 percent of general unsecured claims plus legal interest. Per the preliminary liquidation value established in this case, Debtor is obligated to provide such treatment to the general unsecured creditors and the plan is insufficiently funded to provide said treatment.

**\*OTHER COMMENTS / OBJECTIONS**

Debtor has failed to upload for the Trustee's records evidence of compliance with Article 9 of Public Law 195.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

